

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DAWN R. LIND,

Plaintiff, No. 3:12-cv-162-ST

v.

THE BANK OF NEW YORK MELLON, ORDER
fka THE BANK OF NEW YORK MELLON
AS TRUSTEE, et al.,

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#4) on January 31, 20120, in which she recommends that this Court grant plaintiff's motion to proceed *in forma pauperis*, and dismiss the Complaint for lack of subject matter jurisdiction.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v.

Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings and Recommendation [#4]. Accordingly, plaintiff's motion to proceed *in forma pauperis* [#1] is granted, but the Complaint [#2] is dismissed without prejudice and with leave to file an amended complaint within 30 days of the date of this Order, containing a short and plain statement of the basis for subject matter jurisdiction.

IT IS SO ORDERED.

DATED this 24th day of February, 2012.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge